



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re: EPHEDRA PRODUCTS LIABILITY
LITIGATION

:
: 04 M.D. 1598 (JSR)
:
:
-----X

PERTAINS TO ALL CASES

STATUS ORDER (INCLUDING CASE MANAGEMENT ORDER NO.28)

JED S. RAKOFF, U.S.D.J.

At the monthly status conference held on August 1, 2006, the Court made the following rulings, which are hereby confirmed (and in some instances modified and supplemented) as follows:

1. The next status conference will be held at 4:30 pm on Thursday, September 14, 2006 instead of the first Thursday of month as stated in Case Management Order No. 1.

2. Upon the unopposed motion of TL, the following "Twinlabs 2002-2004 Cases" were dismissed with prejudice because the settlements of these cases are now fully consummated: *Forbes et al. v. Twin Laboratories Inc., et al.*, No. 03 Civ. 9272; *Green v. TL Administration Corp. et al.*, No. 04 Civ. 5607; *Hinkle v. TL Administration Corp. et al.*, No. 04 Civ. 5609; *McCall v. TL Administration Corp. et al.*, No. 04 Civ. 5608; and *Sells et al. v. TL Administration Corp. et al.*, No. 04 Civ. 6103.

3. As proposed by Defendants' Coordinating Counsel ("DCC"), the allocation among defendants for the third quarter of 2006 for

50% of the Special Master's fees and for the fees and expenses of Defendants' Liaison Counsel was approved as follows:

Defendant	Allocable Percentage
BDI Pharmaceuticals/Body Dynamics Inc.	3.00
The Chemins Co., Inc.	21.00
CVS	1.75
GNC Corp. and affiliates	20.50
Herbalife International, Inc. and Herbalife International of America, Inc.	1.75
MuscleTech Research	9.75
NBTY	1.00
RS OLDCO, Inc. (f/k/a Rexall Sundown, Inc.) and RL OLDCO, Inc. (f/k/a Richardson Labs, Inc.), Nutrition USA, and affiliates	4.00
Vitaquest International, Inc.	3.25
Walgreen Co.	11.00
Wal-Mart Corp.	23.00
TOTAL	100.00

4. After consultation by telephone on August 1, 2006 with the Hon. John J. Hargrove, U. S. B. J., S. D. Cal., see Tr., 8/1/06, the Court granted the application of the Official Committee of Unsecured Creditors in the Metabolife bankruptcy, joined by the retailers' committee, to extend the stay of all tort litigation based on Metabolife ephedra products until the September status conference to be held by Judge Hargrove in the Metabolife bankruptcy proceeding, which the Court anticipates

will be shortly following the next status conference before this Court on September 14, 2006. The Court admonishes interested parties that this is the last stay that will be granted unless they report at the September status conferences here and before Judge Hargrove that they have reached agreement on the substantive terms of a global or near-global settlement and are proceeding expeditiously to complete the formalities.

5. Upon the unopposed application of the debtor in the NVE bankruptcy, the Court agreed to extend the stay of all tort litigation involving NVE ephedra products until the October status conference, provided that the Hon. Novalyn L. Winfield, U. S. B. J., D.N.J., enters a corresponding order in NVE's Chapter 11 proceeding.

6. On June 16, 2006, RSM Richter Inc., the Canadian-appointed monitor and foreign representative in Muscletech's Canadian bankruptcy proceeding, moved this Court for an Order recognizing and enforcing within the United States a Canadian Claims Resolution Order that was approved by the Ontario Superior Court on June 8, 2006. Various plaintiffs objected, and the Court heard extensive oral argument at the July status conference. At the Court's suggestion, various changes to the June 8 Order were made that are now embodied in a modified Claims Resolution Order (the "Amended Order"). The Monitor has notified the Court that the Ontario court entered the Amended Order on

August 1, 2006. Accordingly, by separate Opinion and Order, to be filed on August 14, 2006, the Court granted the Monitor's motion to recognize and enforce the Amended Order.

7. Upon application of the Canadian Monitor, the stay of all tort litigation involving Muscletech ephedra products was extended until October 30, 2006, without prejudice to any application to vacate or modify the stay that may be made hereafter based on subsequent orders of the Canadian courts.

8. At a closed hearing held pursuant to Case Management Order No. 7 ¶12(d), the Court approved plaintiff's attorneys' fees in *Rhome v. Metabolife International*, No. 04 Civ. 8555.

SO ORDERED.

Dated: New York, New York
August 11, 2006


JED S. RAKOFF, U.S.D.J.